

**TOWN OF NEEDHAM
CONSERVATION COMMISSION
MEETING MINUTES
Thursday, April 23, 2015**

LOCATION: Public Services Administration Building (PSAB), Charles River Room

ATTENDING: Paul Alpert, Stephen Farr, Peter Oehlkers, Cory Rhoades, Matthew Varrell (Director of Conservation), Debbie Anderson (Conservation Specialist)

GUESTS: Richard Alcorn, Paul Beaulieu, Stephen Brecher, Jeff Leer

P. Alpert opened the public meeting at 7:45 pm.

MISCELLANEOUS BUSINESS

MINUTES

Motion to approve the minutes of March 26, 2015, as amended, by P. Oehlkers, seconded by C. Rhoades, approved 3-0-1 (S. Farr abstained).

ENFORCEMENT & VIOLATION UPDATES

450 CHESTNUT STREET

M. Varrell reported that Elite Homebuilders paid their \$1,500 fine.

HEARINGS

10-16 CHARLES STREET – *continued* NOTICE OF INTENT (DEP FILE #234-727)

Applicant: Robert Wallace and Kathleen Powers

Project: The project consists of after-the-fact permitting for resurfacing of an existing parking area and retrofitting of stormwater management best management structures and practices. The filing is the result of an Enforcement Order.

Present for the Applicant: No one

Supporting Documents include:

- ❑ WPA Form 3 – Notice of Intent and supporting documents received February 12, 2015
- ❑ Needham Wetlands Protection Bylaw Application for Permit received February 12, 2015
- ❑ Plan entitled: “Site Plan C-1 10-16 Charles Street Located in Needham Massachusetts”, prepared by Eaglebrook Engineering & Survey, LLC, stamped and signed by Michael J. Juliano, P.E. #34003, dated 2/5/15.
- ❑ Letter to the Needham Conservation Commission (including revised Long Term Pollution Prevention Plan, Construction Period Stormwater Pollution Prevention Plan, and Operation and Maintenance Plan) from Eaglebrook Engineering & Survey, LLC, dated March 30, 2015.
- ❑ Waiver Request letter prepared by Eaglebrook Engineering & Survey, LLC, submitted April 13, 2015.
- ❑ **Plan entitled: “Site Plan C-1 10-16 Charles Street Located in Needham, Massachusetts”, prepared by Eaglebrook Engineering & Survey, LLC, stamped and signed by Michael J. Juliano, P.E. #34003, dated 2/5/15 (revised 3/30/15).**

P. Alpert opened the public meeting at 7:45 p.m.

Comments from the Commission:

- P. Alpert stated that the Hearing had been continued for the submittal of a more formal Waiver Request, which has been received.
- The Commission was satisfied with the Waiver Request that was submitted.

Comments from the public:

None

Motion to close the public hearing for 10-16 CHARLES STREET (DEP FILE #234-727) by P. Oehlkers, seconded by S. Farr, approved 4-0-0.

Motion to waive the 25-foot Buffer Zone requirements for 10-16 CHARLES STREET (DEP FILE #234-727) by P. Oehlkers, seconded by S. Farr, approved 4-0-0.

Motion not to approve the waiver request for the Waiver Fee for 10-16 CHARLES STREET (DEP FILE #234-727) by P. Oehlkers, seconded by S. Farr, approved 4-0-0.

Motion to issue an Order of Conditions for 10-16 CHARLES STREET (DEP FILE #234-727) by P. Oehlkers, seconded by S. Farr, approved 4-0-0.

FREEMONT & CHARLES STREETS – *continued* REQUEST FOR DETERMINATION OF APPLICABILITY

Applicant: Teleport Communications America, LLC

Project: The project consists of the installation of a 4-inch PVC telecommunications conduit between the existing manhole and a proposed new manhole and further extension of the conduit to areas beyond the jurisdiction of the Conservation Commission. In addition, the Applicant is proposing to mill and overlay the pavement within the “Private Way” portion of Freemont Street located between the northerly sideline of Wexford Street and the Charles River. All of the work is proposed to occur outside of the 25-foot Buffer Zone within existing paved areas.

Present for the Applicant: Dave Edgar of Siena Engineering Group, Inc.

Supporting Documents include:

- **Plan entitled: “Needham Add-A-Lane Needham, MA., Conduit Placement Plans”, 7 sheets, prepared by Siena Engineering Group, Inc., dated 2/19/15 (revised 4/15/15).**

P. Alpert opened the public meeting at 7:50 p.m. Dave Edgar represented the Applicant and reviewed the proposed project.

- The project consists of conduit installation within the 200-foot Riverfront Area and 100-foot Buffer Zone. Within the 100-foot Buffer Zone to BVW, the conduit installation is approximately 60 feet. Within the 200-foot Riverfront Area, installation is approximately 300 feet.
- The trenching depth will be 36 to 48 inches.
- The proposed work is completely within paved areas and will be restored.
- Silt fence and straw bales are proposed for erosion and sediment controls. Silt sacks are proposed in all catch basins adjacent to the work site.

- D. Edgar explained that, as part of this project, they would like to include the milling and overlay of the portion of Freemont Street that is a private way.
- D. Edgar explained that the Commission had requested a revised plan showing the location of the proposed milling and overlay work which has been submitted.

Comments from the Commission:

- The Commission had no issues with the project as proposed.

Comments from the public:

None

Motion to close the public hearing for a Request for Determination of Applicability for FREEMONT & CHARLES STREETS by P. Oehlkers, seconded by S. Farr, approved 4-0-0. S. Farr signed a Mullen Form

Motion to issue a Negative Determination of Applicability for FREEMONT & CHARLES STREETS By P. Oehlkers, seconded by S. Farr, approved 4-0-0. S. Farr signed a Mullen Form

46 BORDER ROAD - NOTICE OF INTENT (DEP File #234-731)

Applicant: Matthew Borrelli, Needham Enterprises, LLC

Project: The Applicant proposes to demolish and rebuild a single family dwelling with associated appurtenances including driveway, grading, and landscaping. Additionally, the Applicant proposes to restore Bordering Vegetated Wetlands through the planting of native shrubs. The majority of work is proposed within previously disturbed portions of the 200-foot Riverfront Area (to Rosemary Brook) and the 100-foot Buffer Zones to Bordering Vegetated Wetlands and Bank. Disturbed Riverfront Area will be mitigated by a restoration planting plan.

Present for the Applicant: No one

Supporting Documents include:

- ☐ WPA Form 3 – Notice of Intent and supporting documents received March 12, 2015
- ☐ Needham Wetlands Protection Bylaw Application for Permit received March 12, 2015
- ☐ Plan entitled: “Conservation Commission Site Plan of Land 46 Border Road Needham, Mass.”, prepared by Field Resources, Inc. stamped and signed by Bradley J. Simonelli, P.L.S. #47581, dated February 12, 2015.
- ☐ Letter from Leah D. Basbanes of Basbanes Wetland Consulting, dated 18 March 2015, requesting a Waiver of Regulations and Waiver of Filing Fees.
- ☐ Plan entitled: “Conservation Commission Site Plan of Land 46 Border Road Needham, Mass.”, prepared by Field Resources, Inc. stamped and signed by Bradley J. Simonelli, P.L.S. #47581, dated February 12, 2015 (revised March 19, 2015).
- ☐ **Plan entitled: “Conservation Commission Site Plan of Land 46 Border Road Needham, Mass.”, prepared by Field Resources, Inc. stamped and signed by Bradley J. Simonelli, P.L.S. #47581, dated February 12, 2015 (revised April 14, 2015).**

P. Alpert opened the public hearing at 8:00 p.m.

- P. Alpert noted that no one was present for the Applicant, however; several abutters were present.
- The hearing had been continued due to significant snow inhibiting the proper examination of the wetland delineation by Conservation staff.

- The original plan showed the proposed house partially in the 25-foot Buffer Zone, which is considered a no-disturb zone unless the Applicant proves via submittal of a Waiver Request that there are no alternatives. The Commission requested the Applicant move the proposed house outside of the 25-foot Buffer Zone.
- The Commission had questions about the trees proposed for removal and some of the mitigation plantings.
- M. Varrell stated they had also requested a revised location for the proposed infiltration system.
- M. Varrell had conducted a site visit to examine the wetland line. He noted that several abutters had mentioned a swale area that was not called out in the original delineation. He found evidence of hydric soils in the area. M. Varrell added wetland flags, met with the wetlands consultant on-site and agreed on the revised wetland boundary. The revised wetlands boundary is considerably larger.
- M. Varrell stated that the revised plan includes the revised wetland boundary and Buffer Zones, the proposed house was shifted outside the 25-foot Buffer Zone, and a pervious patio and soil stockpiling area (in the area of the existing driveway) was added.
- M. Varrell stated that he and D. Anderson had gone over the calculations provided as far as compliance with Riverfront Area standards. The existing degraded area was 2,290 s.f., the proposed degraded area is 3,500 s.f. Staff recommendation is to expand the wetland restoration area to 1,200 s.f. The area should be allowed to go back to natural conditions with plantings. Also recommended is to leave some of the trees that are proposed for removal.
- Paul Beaulieu from Field Resources arrived at 8:15 pm to represent the Applicant.
- P. Beaulieu asked if the Commission could Condition the Order of Conditions to allow for the submittal of a Landscape Plan. P. Alpert agreed.

Comments from the Commission:

- P. Alpert noted the existing fence is located in the wetland and any proposed removal or replacement would need to come before the Commission.
- M. Varrell went over the information from the Hearing that was discussed prior to P. Beaulieu's arrival.
- M. Varrell described the discrepancies in some of the calculations provided.
- P. Alpert stated the Commission would leave it up to the developer as to where the additional restoration area would be located on the lot. M. Varrell stated that the closer to Rosemary Brook the better.
- P. Alpert expressed his concern regarding the close proximity of the proposed work to the 25-foot Buffer Zone. P. Beaulieu stated they always pin the footings in the field.
- P. Alpert counted 12 total trees proposed for removal. They discussed the trees proposed for removal and determined they could Condition the Order to allow for M. Varrell to determine the trees allowed for removal.
- P. Oehlkers reiterated the desire to keep as many trees as possible.
- P. Alpert stated the Waiver Request would not need to be revised.
- The Commission will Condition the use of permanent markers to delineate the mitigation area.

Comments from the public:

- Stephen Brecher of 54 Border Road was concerned about tree removal including one large pine tree. P. Beaulieu stated the two large pine trees were to remain. He has a sump pump and French

drain and was concerned about more drainage. P. Beaulieu explained that they are aware of drainage issues and try to limit any drainage issues.

- Rick Alcorn of 27 Border Road had questions regarding a particular proposed tree removal. Paul Beaulieu stated the tree of concern may have been misidentified on the plan as a maple when it is actually a dogwood and will remain.
- Jeff Leer of 58 Hancock Road questioned whether the 2:1 tree replacement issue had been resolved. M. Varrell stated that it had. J. Leer asked if there were any plans for a fence. P. Beaulieu replied that the existing fence is to remain.

Motion to close the public hearing for 46 BORDER ROAD (DEP FILE #234-731) by P. Oehlkers, seconded by S. Farr, approved 4-0-0.

Motion to waive the 25-foot Buffer Zone requirements for 46 BORDER ROAD (DEP FILE #234-731) by P. Oehlkers, seconded by S. Farr, approved 4-0-0.

Motion to approve the waiver of the Waiver Fee for 46 BORDER ROAD (DEP FILE #234-731) by P. Oehlkers, seconded by S. Farr, approved 4-0-0.

Motion to issue an Order of Conditions for 46 BORDER ROAD (DEP FILE #234-731) by P. Oehlkers, seconded by S. Farr, approved 4-0-0.

LOT 101 (945) WEBSTER STREET – NOTICE OF INTENT (DEP FILE #234-733)

Applicant: Thomas Lambert, 945 Webster Street, LLC

Project: This project is part of a two-lot subdivision of a lot with an existing single-family dwelling. The project includes the proposed razing of an existing house which exists on both lots. Proposed work on the lot known as Lot 101 includes the demolition of a portion of the existing house; demolition of a portion of the existing pool patio; the construction of a single-family house with attached garage; installation of retaining walls; grading; drywell installation; tree removal, installation of mitigation plantings and removal of an existing shed located within the 25-foot Buffer Zone to Bordering Vegetated Wetlands. Portions of the new house construction are located within the 100-foot Buffer Zone.

Present for the Applicant: Paul Beaulieu, Field Resources, Inc.

Supporting Documents include:

- ☐ WPA Form 3 – Notice of Intent and supporting documents received March 12, 2015
- ☐ Needham Wetlands Protection Bylaw Application for Permit received March 12, 2015
- ☐ Plan entitled: “Conservation Commission Site Plan of Land, 945 Webster Street (Lot 101), Needham Mass.”, prepared by Field Resources, Inc., stamped by Bradley J. Simonelli, P.L.S. No. 47581, dated 2/12/15 (revised 3/19/15).
- ☐ Letter requesting a Waiver for work in the 25-foot Buffer Zone at 945 Webster Street (Lot 101), Needham, Massachusetts, prepared by Basbanes Wetland Consulting, dated 3/18/2015.
- ☐ Plan entitled: “Conservation Commission Site Plan of Land, 945 Webster Street (Lot 101), Needham Mass.”, prepared by Field Resources, Inc., stamped by Bradley J. Simonelli, P.L.S. No. 47581, dated 2/12/15 (revised 3/23/15).
- ☐ **Plan entitled: “Conservation Commission Site Plan of Land, 945 Webster Street (Lot 101), Needham Mass.”, prepared by Field Resources, Inc., stamped and signed by Bradley J. Simonelli, P.L.S. No. 47581, dated 2/12/15 (revised 4/9/15).**

P. Alpert opened the public hearing at 8:50 p.m. P. Beaulieu represented the Applicant.

- P. Alpert stated the Hearings had been continued for review of a revised plan including the addition of scientific names of plantings and shifting of the infiltration system.

Comments from the Commission:

- None

Comments from the Public:

- None

Motion to close the public hearing for Lot 101 (945) WEBSTER STREET (DEP FILE #234-733) by P. Oehlkers, seconded by C. Rhoades, approved 4-0-0. S. Farr signed a Mullen Form

Motion to waive the 25-foot Buffer Zone requirements for Lot 101 (945) WEBSTER STREET (DEP FILE #234-733) by P. Oehlkers, seconded by S. Farr, approved 4-0-0.

Motion to approve the waiver of the Waiver Fee for Lot 101 (945) WEBSTER STREET (DEP FILE #234-733) by P. Oehlkers, seconded by S. Farr, approved 4-0-0.

Motion to issue an Order of Conditions for Lot 101 (945) WEBSTER STREET (DEP FILE #234-733) by P. Oehlkers, seconded by S. Farr, approved 4-0-0.

LOT 102 (945) WEBSTER STREET – NOTICE OF INTENT (DEP FILE #234-732)

Applicant: Thomas Lambert, 945 Webster Street, LLC

Project: This project is part of a two-lot subdivision of a lot with an existing single-family dwelling. The project includes the proposed razing of an existing house which exists on both lots. Proposed work on the lot known as Lot 102 includes the demolition of a portion of the existing house; demolition of the existing pool and patio area; construction of a single-family house with attached garage; installation of retaining walls; grading; drywell installation; tree removal, and installation of mitigation plantings within the 100-foot Buffer Zone to Bordering Vegetated Wetlands. Portions of the new house construction are located within the 100-foot Buffer Zone.

Present for the Applicant: Paul Beaulieu, Field Resources, Inc.

Supporting Documents include:

- ☐ WPA Form 3 – Notice of Intent and supporting documents received March 12, 2015
- ☐ Needham Wetlands Protection Bylaw Application for Permit received March 12, 2015
- ☐ Plan entitled: “Conservation Commission Site Plan of Land, 945 Webster Street (Lot 102), Needham Mass.”, prepared by Field Resources, Inc., stamped by Bradley J. Simonelli, P.L.S. No. 47581, dated 2/12/15 (revised 3/19/15).
- ☐ Plan entitled: “Conservation Commission Site Plan of Land, 945 Webster Street (Lot 102), Needham Mass.”, prepared by Field Resources, Inc., stamped by Bradley J. Simonelli, P.L.S. No. 47581, dated 2/12/15 (revised 3/23/15).
- ☐ **Plan entitled: “Conservation Commission Site Plan of Land, 945 Webster Street (Lot 102), Needham Mass.”, prepared by Field Resources, Inc., stamped and signed by Bradley J. Simonelli, P.L.S. No. 47581, dated 2/12/15 (revised 4/9/15).**

P. Alpert opened the public hearing at 8:50 p.m. P. Beaulieu represented the Applicant.

- P. Alpert stated the Hearings had been continued for review of a revised plan including the addition of scientific names of plantings and shifting of the infiltration system.

Comments from the Commission:

- None

Comments from the Public:

- None

Motion to close the public hearing for Lot 102 (945) WEBSTER STREET (DEP FILE #234-732) by P. Oehlkers, seconded by C. Rhoades, approved 4-0-0. S. Farr signed a Mullen Form

Motion to waive the 25-foot Buffer Zone requirements for Lot 102 (945) WEBSTER STREET (DEP FILE #234-732) by P. Oehlkers, seconded by S. Farr, approved 4-0-0.

Motion to approve the waiver of the Waiver Fee for Lot 102 (945) WEBSTER STREET (DEP FILE #234-732) by P. Oehlkers, seconded by S. Farr, approved 4-0-0.

Motion to issue an Order of Conditions for Lot 102 (945) WEBSTER STREET (DEP FILE #234-732) by P. Oehlkers, seconded by S. Farr, approved 4-0-0.

OTHER BUSINESS

AUTHORIZATION FOR FULLER TRAIL CONSERVATION TRUST FUND DISBURSEMENT (\$100,000)

M. Varrell explained that the bid had been awarded. The money from the CPA is all set but he could not find the vote from the Commission to authorize the disbursement from the Conservation Trust Fund.

Motion to authorize the disbursement of \$100,000 from the Conservation Trust Fund for the Fuller Trail by P. Oehlkers, seconded by S. Farr, approved 4-0-0

AUTHORIZATION FOR SALARY FUNDS \$8,525 (\$5,000 + \$3,125)

M. Varrell explained that a vote was necessary to authorize salary funds in the amount of \$8,525 to be transferred from the Wetlands Protection Fund to the General Fund.

Motion to authorize the use of Wetlands Protection Funds in the amount of \$8,525 for salaries by P. Oehlkers, seconded by S. Farr, approved 4-0-0

UPDATE ON RTS INITIATIVES (Greg Smith)

M. Varrell explained that he had met with Greg Smith of the RTS on-site and had discussed the following items:

1. Trash cleanup in the wetlands.
2. Construction of a stormwater basin for the compost area.
3. General removal of fill across the site.

Motion to adjourn the meeting by P. Oehlkers, seconded by S. Farr, approved 4-0-0.

The meeting was adjourned at 9:15 pm.

NEXT PUBLIC HEARING

Thursday, May 14, 2015 at 7:30 PM in the Public Services Administration Building, Charles River Room.